

**MINUTES OF THE MEETING OF THE TOWN OF VINTON PLANNING
COMMISSION HELD ON THURSDAY, MAY 2, 2013, AT 7 P.M., AT THE VINTON
MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET.**

MEMBERS PRESENT: **Dave Jones, Chairman**
 Paul Mason, Vice Chairman
 Bill Booth
 Bob Patterson
 Dawn Michelsen

STAFF PRESENT: **Anita McMillan, Planning and Zoning Director**
 Karla Turman, Associate Planner/Code Enforcement Officer
 Julie S. Tucei, Planning and Zoning Coordinator

OTHERS PRESENT: **Chris McMurry, Petitioner's Representative, Daleville, VA**
 Sherman Sligh, 701 Olney Road, Vinton, VA
 Robert Quam, 647 Olney Road, Vinton, VA
 Melvin Bennett, 709 Olney Road, Vinton, VA
 Mick Michelsen, 225 N. Maple Street, Vinton, VA

AGENDA:

- A. Call to Order**
- B. Approval of Minutes:**
 April 11, 2013 Meeting
- C. Public Hearing:**
 A fifty (50) foot wide by approximately one hundred and fifty (150) foot long of
 an undeveloped right-of-way, known as Daleview Drive, Map of Section No. 4,
 Bali Hai, Plat Book 6, Page 30, be closed, vacated, and deeded to the adjoining
 property owners.
- D. Citizens Comments**
- E. Comments of Planning Commissioners and Planning Staff**
- F. Adjournment**

The meeting of the Vinton Planning Commission was called to order at 7 p.m. by Chairman Jones. Roll was called and, as noted above, all five members were present.

Minutes from the April 11, 2013, were considered for approval. Chairman Jones asked for a motion on the minutes. Mr. Patterson made a motion to approve the minutes as submitted, and Mr. Mason seconded the motion. Roll was called, and all members voted in favor of the motion to approve the minutes.

The first item on the public hearing portion of the agenda was the consideration of a request regarding a fifty (50) foot wide by approximately one hundred and fifty (150) foot long undeveloped right-of-way, known as Daleview Drive, Map of Section No. 4, Bali Hai, Plat Book 6, Page 30, being closed, vacated, and deeded to the adjoining property owners. Chairman Jones opened the public hearing. Ms. McMillan presented her staff report, a copy of which will be made a part of the permanent record. She mentioned that Mr. McMurry, the petitioner's authorized, was in attendance. She also stated that the adjoining property owners were present. She mentioned that about ten property owners, plus the adjoiners (Mr. Quam and Mr. Sligh),

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were notified of this hearing. Ms. McMillan said that Mr. Quam came to office about the request prior to the meeting to ask questions. Mr. Booth asked to whom the property would be deeded to once vacated. Ms. McMillan stated that by state code 25 feet by 150 feet would go to the Quams and 25 feet by 150 feet would go to the Slighs. She said that the utility companies were notified, and none had any objections to the vacation of the ROW. Chairman Jones proposed that Mr. McMurry, the petitioner's representative, speak about the proposal first, then the two adjoiners, and finally anyone else who is here to speak about the request. He requested that anyone who speaks state their name and address for the record. Mr. McMurry, of McMurry Road in Daleville, Virginia, A.R. Overbay's and Anne Huffman's representative, was the first at the podium. He asked if he could give them each a copy of showing what is being proposed for the parcel, and passed out copies to each Commissioner. Mr. McMurry stated that he found out prior to the meeting that Mr. Sligh has some concerns about the request and; therefore, asked for the request to be tabled. He requested more time to speak with staff about the request. Chairman Jones asked the citizens who came to the meeting if they still would like the chance to speak about the request. Mr. Bennett stated that he was going to speak for Mr. Sligh and would like the opportunity to address the Commissioners. For the record, he stated that he is Melvin Bennett of 709 Olney Road, Vinton. He said he resides two houses up from the area in question. He said he was unaware that the owner of the large parcel wanted to acquire a portion of the ROW once it is closed. Mr. Bennett said he was not even sure who owns the parcel. Ms. McMillan clarified that Mr. Overbay is the owner of the parcel, and that he told staff that he had been in discussions with the two adjoiners of the ROW to convey a portion of it to him. Mr. Bennett stated that he received a letter from the Town notifying him of the request to close the ROW. As a resident of Olney Road and of the Town, he said he wants things to be done correctly and with proper permits. He stated that Mr. Overbay approached the Slighs and told them that he would help them close the ROW and then they would own the property, along with the Quams. Mr. Bennett said if Mr. Overbay acquired a portion of the ROW from the Slighs and Quams once it is closed, then the town would have no control over what kind of access drive would be put in—could be dirt/mud or gravel. He stated that Mr. Sligh is not going to sign anything else to give Overbay any property, and that the two adjoining owners just want to keep the ROW the same way it has always been. He said that Mr. Overbay already has access already with the ROW if he wants to properly develop it. Chairman Jones mentioned that he also lives on Olney Road and that his kids had fun playing on that property as they grew up. He asked how Mr. Bennett believes that Mr. Overbay has access to this property. Mr. Bennett said he has access using the existing Daleview Drive ROW. Mr. Bennett said that both Mr. Sligh and Mr. Quam have their driveways on the town's ROW. Mr. Bennett said Mr. Overbay can remove the driveways, but he'd have to develop the road according to code with curb, guttering, and aprons. Mr. Bennett said that the issue is that Mr. Overbay does not want to spend the money to properly develop the street. Mr. Booth asked why he would have to develop a street. Mr. Bennett said he is sure the town would require it in order for the property to be developed. Ms. McMillan stated that the Town would not require Mr. Overbay to put in curb and gutter because there would only be two lots developed. Mr. Bennett asked what Mr. Overbay would be required to do to the street in order to develop it. He was informed that it would not be required to be a cul-de-sac or to have curb and gutter because it is not a major subdivision. Mr. Bennett said he didn't understand why the ROW has to be closed and vacated, rather than Mr. Overbay just developing it properly. Chairman Jones said this must be resolved in one way or another. Mr. Bennett said he felt that it is already resolved because they have the existing ROW. Mr. Bennett also pointed out that

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Mr. McMurry told them before this meeting that he would withdraw the request, but then when he addressed the Commission, McMurry asked to table it instead. Mr. Bennett asked for the Town to let Mr. Overbay do whatever he needs to do using the existing ROW. Mr. Sligh added that when Mr. Overbay spoke with him, he said he was giving them 15 feet, but then later he found out the Town was actually giving the property to them and not to Mr. Overbay. Mr. Quam stated that he would like to just leave the ROW as it is. Chairman Jones asked if he knew what he was signing when he signed the paper Mr. Overbay submitted into the record. Mr. Quam said he believed he did, but he was unaware that Mr. Overbay was not giving them property. Mr. Quam pointed out that the form he and Mr. Sligh signed is not notarized. Mr. Booth asked why they didn't come and request the ROW be closed before the driveways were located there. Mr. Sligh said when he bought his house, the driveway was already there. He stated that he felt that there was no reason to ask to close it. Mr. Bennett requested that the Planning Commission consider not closing the ROW and just to leave it as it is. Ms. McMillan said she will have to consult the Town attorney on the next steps due to Mr. McMurry's request for continuation of the matter. She stated that on May 21, 2013, the Town Council will have their public hearing. On May 7, 2013, Council will hold their worksession on the request which will not include public comments. Mr. McMurry said that he hoped they can understand why he asked for continuation since he needs more time to speak with staff about the request. Ms. McMillan mentioned that the property does have another access from the north end of Olney Road, which could be used. Chairman Jones closed the public hearing at 7:45 p.m. Ms. McMillan reminded them that they need to make a motion to continue the request to a future meeting. A motion to continue the request was made by Mr. Patterson and seconded by Mr. Booth. A roll call vote was taken and all members voted in favor of the motion to continue the request. Chairman Jones asked if Mr. Michelsen had any comments on the issue. Mr. Michelsen said he didn't feel it would be appropriate to comment at that time since the public hearing was already closed.

There were no further citizens' comments. Ms. McMillan mentioned that, based on their comments from the April meeting, the Town would not plan to pursue the Community Ratings System (CRS), and would make no changes to the floodplain ordinance at this time. She asked them to let her know if they have any questions or comments on the Stormwater Management Ordinance.

With there being nothing further to discuss, the meeting was adjourned at 7:50 p.m., on a motion by Mr. Mason and a second by Mr. Patterson.

Respectfully Submitted,

Anita McMillan
Planning Commission Secretary